

## EMPLOYMENT APPEALS TRIBUNAL

CLAIM(S) OF:

CASE NO.

EMPLOYEE -Claimant      MN978/2009

against

EMPLOYER -Respondent

under

### MINIMUM NOTICE AND TERMS OF EMPLOYMENT ACTS, 1973 TO 2005

I certify that the Tribunal  
(Division of Tribunal)

Chairman: Ms. P. McGrath B.L.

Members: Mr. C. McHugh  
              Mr. G. Whyte

heard this claim at Carlow on 20th January 2010

#### **Representation:**

Claimant: In person

Respondent: No appearance by the respondent or a representative on its behalf.

#### **The decision of the Tribunal was as follows:**

The claimant stated that the shift on which he worked was disbanded from the 27<sup>th</sup> March 2008. The claimant worked until the 2<sup>nd</sup> May 2008 at which time he availed of three weeks' annual leave. It was the claimant's case that he had not received notice in writing from the respondent. Between March and May 2008 there was dialogue between the parties in relation to offers of alternative work. A Division of the Tribunal subsequently found that the claimant was made redundant. The claimant advanced that he was entitled to four weeks notice under the above Acts.

#### **Determination:**

The Tribunal carefully considered the evidence adduced. The claimant was notified on or about the 27<sup>th</sup> March 2008 that his position was due to be made redundant within four weeks. The claimant worked through to the 2<sup>nd</sup> May at his job, at which point he took his annual holiday leave. The claimant did not return to work at the end of his leave and another Division of the Tribunal has found that the claimant's position was made redundant.

The Tribunal is satisfied that the respondent put the claimant on notice of the fact that his job was

being discontinued as and from the 27<sup>th</sup> March 2008. The claimant worked for a four-week period after the 27<sup>th</sup> March, which is the notice period. Accordingly, the claim under the Minimum Notice and Terms of Employment Acts, 1973 to 2005, fails.

Sealed with the Seal of the

Employment Appeals Tribunal

This \_\_\_\_\_

(Sgd.) \_\_\_\_\_  
(CHAIRMAN)